IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928

Bail Appl..No. 6244 of 2006()

CRIME NO.112/2006 OF PALLITHOTTAM POLICE STATION, KOLLAM

APPLICANT/IST ACCUSED

S.JOHNSON, MUNDAZHIKOM PURAYIDAM,
KAIKULANGARA WEST, VADDY, KOLLAM-691 013.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE SUB INSPECTOR OF
POLICE, PALLITHOTTAM POLICE STATION,
KOLLAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6244 of 2006

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Dated this the 25th day of October, 2006

O R D E R

The petitioner is the first accused in Crime No.112/2006 of Pallithottam Police Station, for the offence punishable under Sections 403, 409 and 465 I.P.C., read with Section 34 of the Indian Penal Code. It is alleged that, while he was working in Vaddy-Thangassery Fishermen Development Welfare Co-operative Society Ltd., No.F(Q)23, Kollam, in the capacity as Office Assistant and as also the in-charge of the Secretary and as well as the Accountant of the said society, he had misappropriated an amount of Rs.403,803.13, during the period from 01/04/2003 to 31/03/2004. The petitioner is before this Court for a pre-arrest order, as he apprehends arrest in the above crime.

2. When the application came up for consideration, the learned counsel for the petitioner submitted that, in the arbitration proceedings, the entire property, worth more than the amount due from the society, had been brought into attachment

and, therefore, the interest of the society is protected. It is also further submitted by the counsel that the amount has not been misappropriated and the entire amount received has been accounted as per the procedure.

3. I heard the arguments of the learned Public Prosecutor and also the prosecutor has confirmed that the amount due to the society had been secured through an attachment in the arbitration proceedings, which is pending before the Assistant Registrar of Co-operative Societies (Fisheries), Kollam.

4. In the above fact situation, I direct the petitioner, the first accused, to surrender before the Investigating Officer, who is investigating Crime No.112/2006 of Pallithottam Police Station, on 31/10/2006, between 9.30 a.m and 10 a.m.

5. The Investigating Officer shall interrogate the petitioner and, in the event of the arrest of the petitioner, release him on bail, on his executing a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

6. The petitioner shall report before the Investigating Officer, as and when required, till the completion of the trial and final disposal of the sessions case.

(J.M.JAMES)
Judge

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